

Honorable John C. Coughenour

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

KEVIN C. CAMPBELL,
Defendant.

NO. CR17-025JCC

PLEA AGREEMENT

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Steven T. Masada, Assistant United States Attorney for said District, and KEVIN C. CAMPBELL, and his attorney, Jennifer Wellman, Assistant Federal Public Defender, enter into the following Agreement, pursuant to Federal Rule of Criminal Procedure 11(c):

1. **Waiver of Indictment.** Defendant, having been advised of the right to be charged by Indictment, agrees to waive that right and enter a plea of guilty to the charge brought by the United States Attorney in an Information.

1 2. **Charge.** Defendant, having been advised of the right to have this matter
2 tried before a jury, agrees to waive that right and enters a plea of guilty to the following
3 charges contained in the Superseding Information.

4 a. Distribution of Controlled Substances, as charged in Count 1, in
5 violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(C).

6 By entering a plea of guilty, Defendant hereby waives all objections to the form of
7 the charging document. Defendant further understands that before entering his guilty
8 plea he will be placed under oath. Any statement given by Defendant under oath may be
9 used by the United States in a prosecution for perjury or false statement.

10 3. **Elements of Offense.** The elements of the offense of Distribution of
11 Controlled Substances, as charged in Count 1, to which Defendant is pleading guilty, are
12 as follows:

13 First, the defendant knowingly distributed a controlled substance, including
14 heroin; and

15 Second, the defendant knew that it was heroin or some other prohibited
16 drug.

17 4. **The Penalties.** Defendant understands that the statutory penalties
18 applicable to the offense of Distribution of Controlled Substances, as charged in Count 1,
19 are as follows: A maximum term of imprisonment of up to twenty (20) years, a fine of
20 up to one million dollars (\$1,000,000), a period of supervision following release from
21 prison of at least three (3) years, and a mandatory special assessment of one hundred
22 dollars (\$100).

23 If a probationary sentence is imposed, the probation period can be for up to five
24 (5) years.

25 Defendant agrees that the special assessment shall be paid at or before the time of
26 sentencing.

27 Defendant understands that supervised release is a period of time following
28 imprisonment during which he will be subject to certain restrictive conditions and

1 requirements. Defendant further understands that if supervised release is imposed and he
2 violates one or more of the conditions or requirements, Defendant could be returned to
3 prison for all or part of the term of supervised release that was originally imposed. This
4 could result in Defendant's serving a total term of imprisonment greater than the statutory
5 maximum stated above.

6 Defendant understands that as a part of any sentence, in addition to any term of
7 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
8 restitution to any victim of the offense, as required by law.

9 Defendant further understands that a consequence of pleading guilty may include
10 the forfeiture of certain property either as a part of the sentence imposed by the Court, or
11 as a result of civil judicial or administrative process.

12 Defendant agrees that any monetary penalty the Court imposes, including the
13 special assessment, fine, costs, or restitution, is due and payable immediately and further
14 agrees to submit a completed Financial Statement of Debtor form as requested by the
15 United States Attorney's Office.

16 5. **Drug Offenses - Program Eligibility.** Defendant understands that by
17 pleading guilty to a felony drug offense, Defendant will become ineligible for certain
18 food stamp and Social Security benefits as directed by Title 21, United States Code,
19 Section 862a.

20 6. **Enhanced Penalty – Prior Conviction.** Pursuant to this Plea Agreement,
21 and conditioned upon Defendant's fulfillment of all of its terms and conditions, the
22 United States agrees not to file an enhanced penalty information alleging Defendant's
23 prior felony drug conviction, pursuant to 21 U.S.C. § 851.

24 7. **Enhanced Penalty – Death or Serious Bodily Injury.** Pursuant to this
25 Plea Agreement, and conditioned upon Defendant's fulfillment of all of its terms and
26 conditions, the United States further agrees not to charge an enhanced penalty alleging
27 that "death or serious bodily injury result[ed]" from the use of controlled substance
28 distributed by Defendant, pursuant to 21 U.S.C. § 841(b).

1 The parties acknowledge that nothing in this agreement limits or forecloses either
 2 party from raising or arguing such matters at sentencing, particularly in relation to the
 3 factors set forth in 18 U.S.C. § 3553(a), the Sentencing Guidelines, and/or the basis for an
 4 sentencing variance or departure.

5 **8. Immigration Consequences.** Defendant recognizes that pleading guilty
 6 may have consequences with respect to his immigration status if he is not a citizen of the
 7 United States. Under federal law, a broad range of crimes are grounds for removal,
 8 including the offense to which Defendant is pleading guilty, and some offenses make
 9 removal from the United States presumptively mandatory. Removal and other
 10 immigration consequences are the subject of a separate proceeding, however, and
 11 Defendant understands that no one, including his attorney or the district court, can predict
 12 to a certainty the effect of his conviction on his immigration status. Defendant
 13 nevertheless affirms that he wants to plead guilty regardless of any immigration
 14 consequences that his guilty plea may entail, even if the consequence is his mandatory
 15 removal from the United States.

16 **9. Rights Waived by Pleading Guilty.** Defendant understands that by
 17 pleading guilty, he knowingly and voluntarily waives the following rights:

- 18 a. The right to plead not guilty and to persist in a plea of not guilty;
- 19 b. The right to a speedy and public trial before a jury of his peers;
- 20 c. The right to the effective assistance of counsel at trial, including, if
 21 Defendant could not afford an attorney, the right to have the Court appoint one for him;
- 22 d. The right to be presumed innocent until guilt has been established
 23 beyond a reasonable doubt at trial;
- 24 e. The right to confront and cross-examine witnesses against Defendant
 25 at trial;
- 26 f. The right to compel or subpoena witnesses to appear on his behalf at
 27 trial;

1 g. The right to testify or to remain silent at trial, at which trial such
2 silence could not be used against Defendant; and

3 h. The right to appeal a finding of guilt or any pretrial rulings.

4 10. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
5 guaranteed what sentence the Court will impose.

6 11. **Statement of Facts.** The parties agree on the following facts. Defendant
7 admits he is guilty of the charged offense or offenses:

8 For a period of time continuing until at least May 14, 2014, KEVIN C.
9 CAMPBELL engaged in the sale and distribution of various illegal and diverted
10 prescription drugs through the use of the U.S. mail and the Internet. CAMPBELL,
11 using the online alias "PTandRnR," served as an active vendor marketing and
12 selling drugs, including controlled substances, by means of a website commonly
13 known as "Silk Road." CAMPBELL supplied drugs to customers in various
14 states, to include Washington, and received payment by electronic fund transfers
or in Bitcoin. At the time, CAMPBELL resided in Chicago, Illinois, and was
employed at a substance abuse treatment and recovery center.

15 One of CAMPBELL's Silk Road customers was a 27-year-old resident of
16 Bellevue, Washington, identified as J.M. On numerous occasions between March
17 and August 29, 2013, CAMPBELL sold J.M. controlled substances,
18 predominantly, Xanax (alprazolam) and valium, which CAMPBELL sent to J.M.,
in the Western District of Washington, by U.S. mail, concealed in altered movie
DVD cases.

19 On August 24, 2013, J.M. asked CAMPBELL for "quality H." On August
20 27, 2013, CAMPBELL sent J.M. a message that he could get him "grams of china
21 white," a type of heroin, which J.M. wanted to purchase along with 50 bars of
22 Xanax. CAMPBELL then mailed J.M. two grams of heroin and the Xanax
23 concealed in an altered DVD case. CAMPBELL thereafter sent J.M. multiple
24 messages via the Silk Road website containing the package's tracking number,
25 approximating the delivery time, and requesting a review of the drugs. On
26 August 29, 2013, J.M. received CAMPBELL's package at his home in Bellevue
27 and, based on the paraphernalia and drugs found, presumably injected some of the
28 heroin. He was found unconscious in his bedroom by a houseguest later that
afternoon after he failed to show up for work. Responders located a used syringe
and a looped belt on the floor and a baggie of white china heroin along with drug
paraphernalia, to include a lighter and spoon, and various pills on the desk.
CAMPBELL's computer was also logged into the Silk Road website, which

revealed recent messages to and from "PTandRnR." Investigators recovered the U.S. mail package and altered DVD case, which contained CAMPBELL's fingerprint, from J.M.'s bedroom floor. Unbeknownst to CAMPBELL, J.M. later died at the hospital from an "acute combined opiate (probable heroin) alprazolam and diazepam intoxication," after medical care was terminated due to no brain activity.

After Silk Road was shut down in October 2013, CAMPBELL continued to sell and distribute narcotics through the use of the U.S. Mail. For instance, in April 2014, another one of CAMPBELL's customers, at the direction of law enforcement, contacted CAMPBELL by telephone and ordered 120 Xanax pills. CAMPBELL mailed the pills, concealed in an altered DVD case, to that customer in Colorado. Investigators intercepted the package and seized the drugs.

On May 15, 2014, investigators executed a federal search warrant on CAMPBELL's residence in Chicago. In the basement of the multi-level house, investigators found evidence of CAMPBELL's drug trafficking, to include, computers, marijuana grow equipment, documents/notes referencing drug dealing, digital scales and razors, baggies, a heat sealer, and a small amount of drugs, namely, cannabis, steroids, and various unidentified pills. Nearby, investigators also found numerous empty DVD cases and U.S. Postal shipping material. Investigators also found numerous references to the username "PTandRnR."

The parties further agree that the Court may consider additional facts contained in the Presentence Report (subject to standard objections by the parties) and/or that may be presented by the United States or Defendant at the time of sentencing, and that the factual statement contained herein is not intended to limit the facts that the parties may present to the Court at the time of sentencing.

12. **Sentencing Factors.** The parties agree that the following Sentencing Guidelines provisions apply to this case:

a. A two-level increase, pursuant to USSG § 2D1.1(b)(7), based on mass-marketing by means of interactive computer service; and

b. A reduction for acceptance of responsibility, conditioned upon Defendant's fulfillment of the requirements stated at USSG § 3E1.1.

1 The parties agree they are free to present any arguments regarding the applicability
2 of all provisions of the United States Sentencing Guidelines other than those agreed
3 herein, including but not limited to arguments regarding the appropriate base offense
4 level. Defendant understands, however, that at the time of sentencing, the Court is free to
5 reject these stipulated adjustments, and is further free to apply additional downward or
6 upward adjustments in determining Defendant's Sentencing Guidelines range.

7 Defendant further understands that the Sentencing Guidelines range is advisory,
8 and the parties may recommend a sentence below, within, or above that range at the time
9 of sentencing. Similarly, the Court may impose any sentence authorized by law.

10 13. **Acceptance of Responsibility.** At sentencing, *if* the district court
11 concludes Defendant qualifies for a downward adjustment acceptance for acceptance of
12 responsibility pursuant to USSG § 3E1.1(a) and the defendant's offense level is 16 or
13 greater, the United States will make the motion necessary to permit the district court to
14 decrease the total offense level by three (3) levels pursuant to USSG § 3E1.1(a) and (b),
15 because Defendant has assisted the United States by timely notifying the United States of
16 his intention to plead guilty, thereby permitting the United States to avoid preparing for
17 trial and permitting the Court to allocate its resources efficiently.

18 14. **Sentencing Recommendation Regarding Imprisonment.** Pursuant to
19 Federal Rule of Criminal Procedure 11(c)(1)(B), the United States agrees that its ultimate
20 recommendation regarding a term of imprisonment, which has not yet been determined,
21 will be no greater than 120 months. In determining what is an appropriate term of
22 imprisonment to recommend to the Court, the United State will consider the particular
23 facts of this case in light of the factors set forth in 18 U.S.C. § 3553(a), to include
24 mitigating circumstances presented at or before the time of sentencing. Defendant may
25 recommend any sentence authorized by law. Unless otherwise set forth in this
26 agreement, both parties remain free to present arguments regarding other aspects of
27 sentencing, such as the computation of the guidelines range, the term and conditions of
28 supervised release, fines, and restitution.

1 Defendant understands that the parties' recommendations are not binding on the
2 Court and the Court may reject the recommendation of the parties and may impose any
3 term of imprisonment up to the statutory maximum penalty authorized by law.
4 Defendant further understands that he cannot withdraw his guilty plea simply because of
5 the sentence imposed by the district court.

6 15. **United States Sentencing Guidelines.** Defendant understands and
7 acknowledges that the Court must consider the sentencing range calculated under the
8 United States Sentencing Guidelines and possible departures under the Sentencing
9 Guidelines together with the other factors set forth in Title 18, United States Code,
10 Section 3553(a), including: (1) the nature and circumstances of the offense; (2) the
11 history and characteristics of the defendant; (3) the need for the sentence to reflect the
12 seriousness of the offense, to promote respect for the law, and to provide just punishment
13 for the offense; (4) the need for the sentence to afford adequate deterrence to criminal
14 conduct; (5) the need for the sentence to protect the public from further crimes of the
15 defendant; (6) the need to provide the defendant with educational and vocational training,
16 medical care, or other correctional treatment in the most effective manner; (7) the kinds
17 of sentences available; (8) the need to provide restitution to victims; and (9) the need to
18 avoid unwarranted sentence disparity among defendants involved in similar conduct who
19 have similar records. Accordingly, Defendant understands and acknowledges that:

20 a. The Court will determine applicable Defendant's Sentencing
21 Guidelines range at the time of sentencing;

22 b. After consideration of the Sentencing Guidelines and the factors in
23 18 U.S.C. § 3553(a), the Court may impose any sentence authorized by law, up to the
24 maximum term authorized by law;

25 c. The Court is not bound by any recommendation regarding the
26 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
27 range offered by the parties or the United States Probation Department, or by any
28 stipulations or agreements between the parties in this Plea Agreement; and

d. Defendant may not withdraw his guilty plea solely because of the sentence imposed by the Court.

16. **Forfeiture of Contraband.** Defendant also agrees that if any law enforcement agency seized any firearms or other illegal contraband that was in Defendant's direct or indirect control, Defendant consents to the administrative forfeiture, official use, and/or destruction of said firearms or contraband by any law enforcement agency involved in the seizure of these items.

17. **Forfeiture of Assets.** Defendant agrees to forfeit to the United States immediately all of Defendant's right, title and interest, if any, in any and all property, real or personal, that was used, or intended to be used, in any manner or part, to commit or to facilitate the commission of the conspiracy to distribute controlled substances, and any property constituting, or derived from, any proceeds Defendant obtained, directly or indirectly, as the result of this offense, that are subject to forfeiture pursuant to Title 21, United States Code, Section 853, including but not limited to:

a. one Gateway 4530 laptop computer, containing a Toshiba hard drive, bearing serial number Z5GZ5857T, seized from 9401 S. Racine Ave, Chicago, Illinois 60620, on or about May 15, 2015; and

b. one Dell Latitude D610 laptop computer, containing a Hitachi hard drive, bearing serial number BFGH9VUA, seized from 9401 S. Racine Ave, Chicago, Illinois 60620, on or about May 15, 2015.

Defendant agrees that the above listed assets are the proceeds of, or were used and intended to be used to facilitate, the unlawful distribution of controlled substances as set forth in Count 1.

Defendant agrees to fully assist the United States in the forfeiture of the listed assets and to take whatever steps are necessary to pass clear title to the United States, including but not limited to: surrendering title and executing any documents necessary to effectuate such forfeiture; assisting in bringing any assets located outside the United States within the jurisdiction of the United States; and taking whatever steps are

1 necessary to ensure that assets subject to forfeiture are not sold, disbursed, wasted,
2 hidden, or otherwise made unavailable for forfeiture. Defendant agrees not to file a claim
3 to any of the listed property in any civil forfeiture proceeding, administrative or judicial,
4 which may be initiated.

5 The United States reserves its right to proceed against any remaining assets not
6 identified in this Plea Agreement, including any property in which Defendant has any
7 interest or control, if said assets, real or personal, tangible or intangible, constitute or are
8 traceable to proceeds or facilitated violation of Title 21, United States Code, Section 841
9 *et seq.*

10 18. **Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
11 the United States Attorney's Office for the Western District of Washington agrees not to
12 prosecute Defendant for any additional offenses known to it as of the time of this
13 Agreement that are based upon evidence in its possession at this time, and that arise out
14 of the conduct giving rise to this investigation. As set forth above, this United States
15 Attorney's Office agrees not to charge an enhanced penalty alleging that "death or
16 serious bodily injury result[ed]" from the use of controlled substance distributed by
17 Defendant, pursuant to 21 U.S.C. § 841(b), as part of the instant case. In this regard,
18 Defendant recognizes the United States has agreed not to prosecute all of the criminal
19 charges the evidence establishes were committed by Defendant solely because of the
20 promises made by Defendant in this Agreement. Defendant agrees, however, that for
21 purposes of preparing the Presentence Report, the United States Attorney's Office will
22 provide the United States Probation Office with evidence of all conduct committed by
23 Defendant.

24 Defendant agrees that any charges to be dismissed before or at the time of
25 sentencing were substantially justified in light of the evidence available to the United
26 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant
27 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119
28 (1997).

1 19. **Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that if
2 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea
3 Agreement and Defendant may be prosecuted for all offenses for which the United States
4 has evidence. Defendant agrees not to oppose any steps taken by the United States to
5 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
6 Agreement. Defendant also agrees that if Defendant is in breach of this Plea Agreement,
7 Defendant has waived any objection to the re-institution of any charges in the Indictment
8 that were previously dismissed or any additional charges that had not been prosecuted.

9 Defendant further understands that if, after the date of this Agreement, Defendant
10 should engage in illegal conduct, or conduct that violates any conditions of release or the
11 conditions of his confinement, (examples of which include, but are not limited to,
12 obstruction of justice, failure to appear for a court proceeding, criminal conduct while
13 pending sentencing, and false statements to law enforcement agents, the Pretrial Services
14 Officer, Probation Officer, or Court), the United States is free under this Agreement to
15 file additional charges against Defendant or to seek a sentence that takes such conduct
16 into consideration by requesting the Court to apply additional adjustments or
17 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
18 advisory Guidelines range, and/or by seeking an upward departure or variance from the
19 calculated advisory Guidelines range. Under these circumstances, the United States is
20 free to seek such adjustments, enhancements, departures, and/or variances even if
21 otherwise precluded by the terms of the plea agreement.

22 20. **Waiver of Appellate Rights and Rights to Collateral Attacks.**
23 Defendant acknowledges that by entering the guilty plea(s) required by this plea
24 agreement, Defendant waives all rights to appeal from his conviction and any pretrial
25 rulings of the court. Defendant further agrees that, provided the court imposes a custodial
26 sentence that is no greater than 120 months, Defendant waives to the full extent of the
27 law:
28

1 a. Any right conferred by Title 18, United States Code, Section 3742,
2 to challenge, on direct appeal, the sentence imposed by the court, including any fine,
3 restitution order, probation or supervised release conditions, or forfeiture order (if
4 applicable); and

5 b. Any right to bring a collateral attack against the conviction and
6 sentence, including any restitution order imposed, except as it may relate to the
7 effectiveness of legal representation.

8 This waiver does not preclude Defendant from bringing an appropriate motion
9 pursuant to 28 U.S.C. § 2241, to address the conditions of his confinement or the
10 decisions of the Bureau of Prisons regarding the execution of his sentence.

11 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
12 attacking (except as to effectiveness of legal representation) the conviction or sentence in
13 any way, the United States may prosecute Defendant for any counts, including those with
14 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea
15 Agreement.

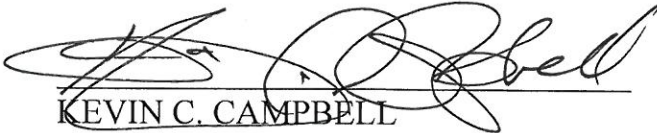
16 21. **Voluntariness of Plea.** Defendant agrees that he has entered into this Plea
17 Agreement freely and voluntarily and that no threats or promises, other than the promises
18 contained in this Plea Agreement, were made to induce Defendant to enter his plea of
19 guilty.

20 22. **Statute of Limitations.** In the event this Agreement is not accepted by the
21 Court for any reason, or Defendant has breached any of the terms of this Plea Agreement,
22 the statute of limitations shall be deemed to have been tolled from the date of the Plea
23 Agreement to: (1) thirty (30) days following the date of non-acceptance of the Plea
24 Agreement by the Court; or (2) thirty (30) days following the date on which a breach of
25 the Plea Agreement by Defendant is discovered by the United States Attorney's Office.

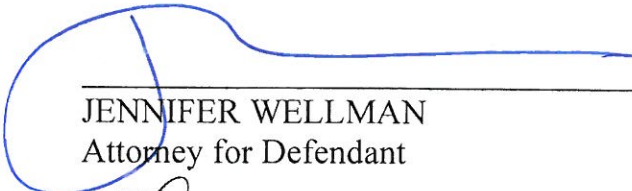
26 23. **Completeness of Agreement.** The United States and Defendant
27 acknowledge that these terms constitute the entire Plea Agreement between the parties.
28 This Agreement binds only the United States Attorney's Office for the Western District

1 of Washington. It does not bind any other United States Attorney's Office or any other
2 office or agency of the United States, or any state or local prosecutor.

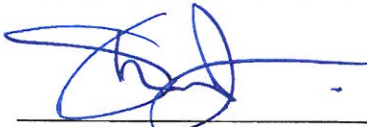
3 Dated this 3rd day of February, 2017.

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6 
7 KEVIN C. CAMPBELL

8 Defendant

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10 
11 JENNIFER WELLMAN
12 Attorney for Defendant

13 
14 SARAH Y. VOGEL
15 Assistant United States Attorney

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17 STEVEN T. MASADA
18 Assistant United States Attorney